

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

DARLENE MAAS,

Plaintiff,

vs.

CITY OF BILLINGS, MONTANA;
BILLINGS, MONTANA POLICE
DEPARTMENT; CHIEF RICH ST.
JOHN, CAPTAIN CONRAD,
OFFICER KEIGHTLEY, OFFICER
LANGE, OFFICER AGUILAR,
OFFICER SCHAFF, and JOHN DOES
1-10,

Defendants.

No. 1:19-cv-79-BMM-KLD

ORDER

United States Magistrate Judge Kathleen L. Desoto entered her Findings and Recommendations in this case on June 9, 2021. (Doc. 68). Judge Desoto recommended that Defendant City of Billings' Motion for Summary Judgment (Doc. 51) be GRANTED and Defendants Officer Keightly, Officer Lange, Officer Aguilar, Officer Schaff, Sergeant Conrad, and Chief St. John's Motion for Summary Judgment (Doc. 53) GRANTED, and this case be DISMISSED. (Doc. 68). Maas filed a 42-page objection to Judge Desoto's Findings and Recommendations on July 8, 2021. (Doc. 73).

The Court reviews de novo those Findings and Recommendations to which a party timely objected. 28 U.S.C. § 636(b)(1). The Court reviews for clear error the portions of the Findings and Recommendations to which the party did not specifically object. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Where a party's objections constitute perfunctory responses argued in an attempt to engage the district court in a reargument of the same arguments set forth in the original response, however, the Court will review the applicable portions of the findings and recommendations for clear error. *Rosling v. Kirkegard*, 2014 WL 693315 *3 (D. Mont. Feb. 21, 2014) (internal citations omitted).

Maas's objections advance the same arguments that she raised before. The Court will not engage in Maas's attempt to reargue the same issues. The Court reviewed Judge Desoto's Findings and Recommendations for clear error. The Court finds no error.

IT IS ORDERED that Judge Desoto's Findings and Recommendations (Doc. 68) are **ADOPTED IN FULL**.

1. Defendant City of Billings' Motion for Summary Judgment (Doc. 51) and Defendants Officer Keightly, Officer Lange, Officer Aguilar, Officer Schaff, Sergeant Conrad, and Chief St. John's Motion for Summary Judgment (Doc. 53) are **GRANTED**;

2. The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

DATED this 19th day of July, 2021.



Brian Morris, Chief District Judge
United States District Court